

Senate File 2324

S-5149

Amend Senate File 2324 as follows:

1. Page 1, line 15, after <provided.> by inserting
<All notices required by this subsection shall be sent
by certified mail.>

2. Page 2, line 17, after <area.> by inserting
<An applicant or its subsidiary which has been issued
a certificate of public convenience and necessity to
provide telephone service pursuant to section 476.29
shall be exempt from the provisions of this paragraph.>

3. Page 2, by striking lines 32 through 35 and
inserting:

<3. a. The board shall not issue a certificate
of franchise authority to an applicant unless the
board finds that all of the requirements specified in
subsection 1, paragraphs "f" through "h" have been met.

b. The board may take up to an additional sixty
days, beyond the thirty-day period for issuance of
a certificate of franchise authority specified in
subsection 1, if the board determines that additional
information will be required to make a determination
regarding whether the requirements specified in
subsection 1, paragraphs "f" through "h" have been met,
and that the determination cannot be made within the
thirty-day period.

c. The board may assess an applicant not otherwise
paying a fee or assessment to the board for the costs
incurred by the board during a review of an application
and affidavit under the circumstances described in
paragraph "b", and any additional costs incurred
resulting from a contested case proceeding requested
pursuant to chapter 17A.>

4. By striking page 3, line 23, through page 4,
line 13, and inserting:

<6. a. If the holder of a certificate of franchise
authority fails to commence operation of a cable system
or video service network within twelve months from
the date the application is granted, the board may
determine that the applicant is not in compliance with
the certificate of franchise authority and may revoke
the certificate.

b. If a certificate is revoked pursuant to this
subsection, and if the franchise agreement previously
in effect between an incumbent cable provider and
the municipality would have remained in effect for
at least a sixty-day period prior to expiration, the
previous franchise agreement shall be reinstated for
the duration of the previous agreement. The incumbent
cable provider shall comply with the terms of the prior
franchise agreement within ninety days of notification
by the board. This paragraph is applicable to an

1 incumbent cable provider who has not been issued a
2 certificate of franchise authority pursuant to section
3 477A.2, subsection 6, as of the effective date of this
4 Act.

5 7. a. In the event that an applicant granted
6 a certificate of franchise authority subsequently
7 ceases to engage in construction or operation of
8 a cable system or video service network and is no
9 longer providing service, the applicant shall notify
10 the municipality, the board, and the incumbent cable
11 provider on the date that construction or service is
12 terminated.

13 b. If the franchise agreement previously in
14 effect between an incumbent cable provider and the
15 municipality would have remained in effect for at
16 least a sixty-day period prior to expiration, the
17 previous franchise agreement shall be reinstated for
18 the duration of the previous agreement. The incumbent
19 cable provider shall comply with the terms of the prior
20 franchise agreement within ninety days of notification
21 by the applicant. This paragraph is applicable to an
22 incumbent cable provider who has not been issued a
23 certificate of franchise authority pursuant to section
24 477A.2, subsection 6, as of the effective date of this
25 Act.>

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